

REMARKS

Claims 1-23 are pending in the current Application. No Amendments to the claims are being made herein.

With respect to the filing date of the current Application, Applicants spoke with the Examiner to inquire about the status of the Petition in Response to Omitted Items. As the Examiner suggested, Applicants called the Office of Petitions, and was told that Applicants' Petition was assigned to an attorney. Applicants are now awaiting a response on the Petition. Note that Applicants' Petition in Response to Omitted Items was filed to show that in fact all 26 pages of specification were received by the USPTO, as evidenced by the stamped return receipt postcard, and that therefore, page 22 had not been omitted, as asserted by the USPTO in the Notice of Omitted Items sent to Applicants. Therefore, Applicants believe that the original filing date of July 31, 2003, is the correct filing date for the current Application.

Applicants respectfully submit that claims 1-8, 10-12, 15, and 21-23 are patentable under 35 U.S.C. 102(e) over Phelps et al. (US Pub 2004/0221111). Phelps et al. was filed April 30, 2003, and published Nov. 4, 2004. Applicants are submitting, concurrently herewith, Declarations under 37 C.F.R. 1.131 from each inventor of the current Application to show that conception occurred prior to April 30, 2003, and that the current Application was then diligently constructively reduced to practice on July 31, 2005 (the filing date of the current Application). As stated in the declarations, on April 25, 2003, a disclosure for the current Application (with attachment Pflimit.pdf) was submitted into Freescale's online innovation disclosure system to be scheduled for review at the first available patent committee meeting. The disclosure was then scheduled to be presented to the Austin-Systems-Hardware Patent Committee on May 22, 2003. At the Patent Committee meeting, the disclosure was rated pursue by the Patent Committee, and the disclosure was subsequently scheduled to the undersigned Patent Attorney. An initial meeting with the undersigned Patent Attorney to commence preparation of the current Application was scheduled for June 4, 2003. The current Application was completed and filed on July 31, 2003. Thus, the submission on April 25, 2003, into the Freescale innovation disclosure system clearly shows conception prior to April 30, 2003, and the subsequent dates show that the innovation was diligently constructively reduced to practice. Therefore, Applicants submit that these declarations remove Phelps et al. as a 102(e) reference. For at least

these reasons, Applicants submit that claims 1-8, 10-12, 15, and 21-23 are patentable over Phelps et al.

Claims 9, 13, 14, and 16-20 are rejected under 103(a) as being unpatentable over Phelps et al. in view of Bearden. However, since these claims depend directly or indirectly from allowable independent claims 1, 10, and 15, Applicants submit that these claims are also allowable.

Conclusion

Although Applicants may disagree with statements made by the Examiner in reference to the claims and the cited references, Applicants are not discussing all these statements in the current Office Action, yet reserve the right to address them at a later time if necessary.

Applicants respectfully solicit allowance of the pending claims. Contact me if there are any issues regarding this communication or the current Application.

A Petition for Extension of Time to respond, with fee authorization, is submitted concurrently herewith.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc.

Respectfully submitted,

By: _____


Joanna G. Chiu
Attorney of Record
Reg. No.: 43,629
Telephone: (512) 996-6839
Fax No.: (512) 996-6854

SEND CORRESPONDENCE TO:

Freescale Semiconductor, Inc.
Law Department

Customer Number: 23125